

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY MELIKHOV an
individual; MELMAR HOLDINGS,
LLC, an Illinois limited liability
company; and U4G GROUP, LLC, an
Illinois limited liability company,

Plaintiffs,

v.

Case No. 2:19-cv-248-JLB-MRM

LADISLAV DRAB, an individual; CE
GROUP, a foreign entity; ČESKÁ ENERGIE
A.S., a foreign entity, and ČESKÁ
PLYNÁRENSKÁ A.S., a foreign entity,

Defendants.

ORDER

On January 25, 2021, this Court partially adopted a report by the Magistrate Judge (Docs. 148–49) recommending that Defendant Ladislav Drab be held in contempt for violating this Court’s omnibus postjudgment discovery order (Doc. 99). Pursuant to 28 U.S.C. § 636(e)(6), the Court determined that a show-cause hearing was necessary and scheduled a Zoom video conference for February 24, 2021. (Doc. 150.) The day before the scheduled video conference, Mr. Drab filed a “Notice of Unavailability,” which stated that he could not attend the conference because he was “in the hospital with COVID-19.” (Doc. 151.) Setting aside the fact that notices of unavailability are prohibited by this Court’s local rules as of February 1, 2021, the Court cancelled the Zoom video conference.

The Court now makes its second attempt to provide Mr. Drab with an opportunity to be heard. A show-cause hearing via Zoom video conference has been re-noticed and scheduled for **Thursday, March 4, 2021 at 10:00 a.m.** The Court remains mindful to the health, safety, and welfare of all individuals during this pandemic. That said, the Court cannot take Mr. Drab at his word that he was unable to appear remotely for the show-cause hearing on February 24, 2021 because he was hospitalized with COVID-19. Mr. Drab has been less than forthright during these proceedings, and the Court is left with no choice but to require verification for the representations he makes to this Court. To do otherwise would, in the Court's view, allow Mr. Drab to make a mockery of judicial process.

Accordingly, given the dubiousness of Mr. Drab's prior representations to this Court (which are discussed in the Magistrate Judge's report), it is **ORDERED**:

1. **No later than Thursday, March 4, 2021 at 10:00 a.m.**, Mr. Drab **SHALL** file, **under seal**, documentary proof that he was indeed "in the hospital with COVID-19" on February 24, 2021, as he represented to this Court. Such proof may take the form of a signed doctor's note, medical record, or any other **credible** document.
2. If Mr. Drab fails to timely provide the Court with such proof, or if the Court determines that the proof is not credible, then Mr. Drab's failure to attend the Zoom video conference on February 24, 2021 will be considered as an additional ground for contempt along with the other grounds included in the Magistrate Judge's report.

3. If Mr. Drab again fails to attend the video conference due to his alleged illness without providing adequate proof, his right to be heard under 28 U.S.C. § 636(e)(6) will be waived, the contempt hearing will proceed without him, and a contempt judgment may be entered against him to include payment of sanctions, Plaintiffs' attorneys' fees and costs, and other relief this Court finds appropriate.

ORDERED in Fort Myers, Florida, on February 26, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE